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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,914	11/14/2005	Gert Driesbeke	003D.0068.U1(US)	6534
29683 7590 11/28/2008 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER NGO, HUNG V	
			ART UNIT 2831	PAPER NUMBER
			MAIL DATE 11/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,914	Applicant(s) DROESBEKE ET AL.	
	Examiner Hung V. Ngo	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: reference character "13" has been used to designate both mounting tails and PCB (page 6, line 23).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 15, 26, 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The added limitation "a flexible connection" was not discussed in original specification. As best understood, the flexible mounting tails is connected to the printed circuit board by solder joints (page 6, lines 23-24 of the specification)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-20, 25-31, 36, 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Cunningham (US 6,351,394).

Re claim 15, Cunningham discloses a shielding cage (10) comprising:

a plurality of walls (14, 16); and one or more integrated or integral mounting tails on said walls (22), wherein said mounting tails are adapted for mounting said shielding cage to a circuit board (28), wherein said mounting tails are configured to be to flexible (the mounting tails are made of a flexible material such as metal)(col. 3, line 20) to provide a connection of the shielding cage to the circuit board by the mounting tails (Figs 1, 2), and wherein the shielding cage is a die-cast member (col. 2, lines 3-5).

Re claims 26, Cunningham discloses a shielding cage comprising:

a plurality of walls (14, 16); and one or more integrated or integral mounting tails (22) on at least one of said walls adapted for mounting said shielding cage to a circuit board (28), wherein said mounting tails are configured to be to flexible (the mounting tails are made of a flexible material such as metal)(col. 3, line 20) to provide a connection of the shielding cage to the circuit board, wherein the connection is adapted to provide relief of shear stress developing as a result of the difference of thermal expansion coefficient between the circuit board and the die cast shielding cage (functioned as claimed), and wherein said walls and mounting tails comprise a die cast member (col. 2, lines 3-5) (abstract).

Re claim 37, Cunningham disclose a shielding cage comprising:

a plurality of walls (14, 16) and one or more integrated or integral mounting tails (22) on at least one of said walls adapted for mounting said shielding cage to a circuit board (28), wherein said mounting tails are flexible for relief of the push/pull forces developing as a result of different thermal expansion coefficient between the circuit board and the shielding cage (functioned as claimed), and wherein said walls and said mounting tails are parts of a single die cast member (col. 2, line 3-5)(Fig 1), wherein said mounting tails are configured to be to flexible (the mounting tails are made of a flexible material such as metal)(col. 3, line 20) to provide a connection of the shielding cage and circuit board.

Re claims 16, 27 wherein the shielding cage comprises receiving structures adapted to integrate said integrated mounting tails (Fig 1).

Re claims 17, 28 wherein the receiving structure is adapted to receive a metal strip having one or more of said mounting tails (Fig 1).

Re claims 18, 29 wherein said mounting tails are sheet metal SMT tails (Fig 1).

Re claims 19, 30 wherein at least one of said walls comprises an insertion stop structure (Fig 2).

Re claims 20, 31, wherein said insertion stop structure is provided outside the region of said mounting tail (Fig 2).

Re claims 21, 32, at least one position pillar (20)

Re claims 25, 36, wherein the shielding cage is adapted for covering a header and comprises a structure adapted for receiving attachment means of a cable connector to be connected to said header (capable of functioning as claimed)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benzoni (US 5,416,668) in view of Applicant Admitted Prior Art (AAPA).

Re claims 15, 26, 37 Benzoni discloses a plurality of walls (26, 28, 30, 32) and comprising one or more integrated or integral mounting tails (62, 90, 100) adapted for mounting said shielding cage to a circuit board (22), wherein said mounting tails are configured to be flexible to provide a connection of the shielding cage and the circuit board and capable of providing a relief of stress of the push/pull forces (functioned as claimed). "Flexibility" and "rigidity" are relative terms, particularly since virtually anything will flex if enough pressure is applied to it. –Fredman v. Harris-Hub Co. Inc. (DC NIII) 163 USPQ 397.

Re claims 16, 27 wherein the shielding cage comprises receiving structures (24, 48) adapted to integrate said integrated mounting tails.

Re claims 17, 28 wherein the receiving structure is adapted to receive a metal strip having one or more of said mounting tails (Fig 1).

Re claims 18, 29 wherein said mounting tails are sheet metal SMT tails (Fig 2, 3, 4).

Re claims 19, 30 wherein at least one of said walls comprises an insertion stop structure (60).

Re claims 20, 31, wherein said insertion stop structure is provided outside the region of said mounting tail (Fig 4).

Re claims 21, 32, at least one position pillar (48, 50)

Re claims 25, 36, wherein the shielding cage is adapted for covering a header (Fig 1) and comprises a structure adapted for receiving attachment means of a cable connector to be connected to said header (Fig 2)

The teaching of Benzoni as discussed above including a plurality of extensions (60) (re claim 24, 35), but does not disclose the shielding cage being a die cast member (re claim 15), the walls and mounting tails comprise a die cast member (re claim 26), the walls and mounting tails are parts of a single die cast member (re claim 37), the shielding cage is made of a die cast material having a thermal expansion coefficient substantially equal to the thermal expansion coefficient of the circuit board, the die cast material made of brass (re claims 22, 23, 33, 34).

Re claims 15, 26, 37, AAPA disclose die cast shielding cages are known. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the walls, shielding cage, and mounting tails of Benzoni by employing die cast process for intended use.

Re claims 22-24, 33-35, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brass for the shielding cage of Benzoni, since it has been held to be within the general skill of a worker in the art to

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select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Response to Arguments

Applicant's arguments filed 07-29-08 have been fully considered but they are not persuasive. Applicant argues (1) that there is no suggestion of a shielding cage which is a die-cast member having mounting tails configured to be flexible to thereby provide a flexible connection of the shielding case to a circuit board by the mounting tails.

With respect to (1), "flexibility" and "rigidity" are relative terms, particularly since virtually anything will flex if enough pressure is applied to it. –Fredman v. Harris-Hub Co. Inc.

(DC NIII) 163 USPQ 397. It has been addressed in previous paragraphs.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung V. Ngo whose telephone number is (571) 272-1979. The examiner can normally be reached on Monday to Friday 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2800 EXT 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung V Ngo/
Primary Examiner, Art Unit 2831

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